

Amendments to Senate Bill No. 35
1st Reading Copy

Requested by Senator John Esp

For the Senate Judiciary Committee

Prepared by Valencia Lane
January 12, 2009 (8:31am)

1. Title, line 5 through line 6.
Following: "THAT" on line 5
Strike: remainder of line 5 through "STATE PRISON" on line 6
Insert: "A SHERIFF DELIVERING A DEFENDANT TO A PLACE OF
CONFINEMENT, COMMITMENT, OR EXECUTION SHALL ALSO DELIVER ALL
INFORMATION IN THE SHERIFF'S POSSESSION"
2. Title, line 7 through line 8.
Following: "OF THE" on line 7
Strike: remainder of line 7 through "PRISON" on line 8
Insert: "DEFENDANT, INCLUDING HEALTH INFORMATION CONTAINED IN A
PRESENTENCE INVESTIGATION REPORT"
3. Title, line 8.
Strike: "SECTION"
Insert: "SECTIONS"
Following: "46-18-112"
Insert: "AND 46-19-101"
4. Page 1, line 13 through line 14.
Following: "report" on line 13
Strike: remainder of line 13 through "prison" on line 14
5. Page 1, line 30 through page 2, line 2.
Strike: subsection (4) in its entirety
Insert: "(4) Upon sentencing, the court shall forward to the
sheriff all information contained in the presentence
investigation report concerning the physical and mental
health of the defendant, and the information must be
delivered with the defendant as required in 46-19-101."
6. Page 2, line 3.
Following: line 2
Insert: "Section 2. Section 46-19-101, MCA, is amended to read:
"46-19-101. Commitment of defendant -- transfer of
information in possession of sheriff. (1) Upon oral
pronouncement of a sentence imposing punishment of imprisonment,
commitment to the department of corrections, placement in a
prerelease center, community corrections facility, or other place

of confinement, or death, the court shall commit the defendant to the custody of the sheriff, who shall deliver the defendant to the place of confinement, commitment, or execution and give that place an order, which must be signed by the sentencing judge on the date of oral pronouncement of sentence, stating that the defendant is sentenced to that place for imprisonment, commitment, placement, or execution, as the case may be. The order is authority for that place to hold the defendant pending receipt by that place of a copy of the written judgment.

(2) When a sheriff delivers the defendant to the place of confinement, commitment, or execution, the sheriff shall deliver at the same time all information in the possession of the sheriff regarding the physical and mental health of the defendant, including health information contained in a presentence investigation report."

{ Internal References to 46-19-101: None. }"

- END -

SENATE BILL NO. 35

INTRODUCED BY L. JENT

BY REQUEST OF THE LAW AND JUSTICE INTERIM COMMITTEE

Requiring THAT

A SHERIFF DELIVERING A DEFENDANT TO A PLACE OF CONFINEMENT, COMMITMENT, OR EXECUTION SHALL ALSO DELIVER ALL INFORMATION IN THE SHERIFF'S POSSESSION ~~AND A STATE PRISON REGARDING THE MENTAL AND PHYSICAL HEALTH OF THE PRISONER BE FORWARDED TO THE PRISON AT THE TIME THE DEFENDANT, INCLUDING HEALTH INFORMATION CONTAINED IN A PRESENTENCE INVESTIGATION REPORT~~ *THE*

*AMENDING SECTIONS**46-18-112
AND 46-19-101,
MCA.*

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 46-18-112, MCA, is amended to read:

"46-18-112. Content of presentence investigation report ~~health information to be forwarded to~~

~~prison.~~ (1) Whenever an investigation is required, the probation officer shall promptly inquire into and report upon:

(a) the defendant's characteristics, circumstances, needs, and potentialities;

(b) the defendant's criminal record and social history;

(c) the circumstances of the offense;

(d) the time of the defendant's detention for the offenses charged;

(e) the harm caused, as a result of the offense, to the victim, the victim's immediate family, and the community; and

(f) the victim's pecuniary loss, if any. The officer shall make a reasonable effort to confer with the victim to ascertain whether the victim has sustained a pecuniary loss. If the victim is not available or declines to confer, the officer shall record that information in the report.

(2) All local and state mental and correctional institutions, courts, and law enforcement agencies shall furnish, upon request of the officer preparing a presentence investigation, the defendant's criminal record and other relevant information.

(3) The court may, in its discretion, require that the presentence investigation report include a physical and mental examination of the defendant.

~~(4) A jurisdiction committing a prisoner to the Montana state prison shall forward to the prison, at the time~~

1 ~~the prisoner is committed to the prison, all information in the possession of the jurisdiction concerning the physical~~
2 ~~and mental health of the prisoner."~~

3 (4) Upon sentencing, the court shall forward to the
sheriff all information contained in the presentence
investigation report concerning the physical and mental
health of the defendant, and the information must be
delivered with the defendant as required in 46-19-101."

Section 2. Section 46-19-101, MCA, is amended to read:

"46-19-101. Commitment of defendant -- transfer of
information in possession of sheriff. (1) Upon oral
pronouncement of a sentence imposing punishment of imprisonment,
commitment to the department of corrections, placement in a
prerelease center, community corrections facility, or other place
of confinement, or death, the court shall commit the defendant to
the custody of the sheriff, who shall deliver the defendant to

the place of confinement, commitment, or execution and give that
place an order, which must be signed by the sentencing judge on
the date of oral pronouncement of sentence, stating that the
defendant is sentenced to that place for imprisonment,
commitment, placement, or execution, as the case may be. The
order is authority for that place to hold the defendant pending
receipt by that place of a copy of the written judgment.

(2) When a sheriff delivers the defendant to the place of
confinement, commitment, or execution, the sheriff shall deliver
at the same time all information in the possession of the sheriff
regarding the physical and mental health of the defendant,
including health information contained in a presentence
investigation report."

{ Internal References to 46-19-101: None. }

- END -